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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Toshie IMAI

Application No. 10/665,678

Filed: September 19, 2003

For: **BACKLIGHT ADJUSTMENT PROCESSING
OF IMAGE USING IMAGE
GENERATING RECORD PROGRAM**

) Docket No. MIPFP057

) Examiner: P. Saunders

) Group Art Unit: 2622

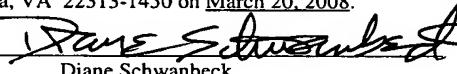
) Date: March 20, 2008

) Confirmation No. 6257

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 20, 2008.

Signed:



Diane Schwanbeck

ELECTION OF SPECIES FOR PROSECUTION ON THE MERITS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits this paper in response to the Office Action dated February 20, 2008.

Applicant respectfully traverses the election of species requirement as being improper because it was issued after the first action on the merits (Applicant notes that 37 CFR 1.146 provides authority for the issuance of an election of species requirement only in the first action on an application). Nevertheless, in response to the election of species requirement, Applicant hereby elects Species 1 (Figures 12 and 13). Applicant submits that at least claims 1, 3, 11, 12, 14, 22, and 23 read on the elected species.

If any fees are due to effect consideration of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP057).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP



Peter B. Martine
Registration No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Telephone: (408) 749-6902
Customer Number 25920